IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

WEDNESDAY ,THE FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 1522 OF 2025

Between:

V Jaswanth, S/o. V. Devarajulu, Hindu, aged about 31 years, R/o. D.No. 20-4-34/30, Subbareddi Nagar, Kothapalli, Akkarampalli, Tirupati, Tirupati District, AP

...Petitioner/Accused No.1

AND

The State of Andhra Pradesh, SHO, Disha Police Station, Tirupati Tirupati District. Rep by its Public Prosecutor, High Court of A.R at Amaravathi

...Respondent

Petition under Section 528 of B.N.S.S, 2023 praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records in Crl.P.M.P.No.2818/2024 in CC No. 46/2024 dated 06/01/2025 on the file of the court of the IV Additional Civil Judge (Junior Division)-cum- IV Additional Judicial Magistrate of 1st class, Tirupati and set aside the order dated 06/01/2025 passed in Crl.P.M.P No.2818/2024 as the same is illegal and abuse of process of law; and consequently allow the Crl.PM.P.No.2818/2024 in C.C.No.46/2024.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Smt. V Sesha Kumari, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent.

The Court made the following:

APHC010064332025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

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THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 1522/2025

Between:

V Jaswanth

...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. V SESHA KUMARI

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following Order:

The petitioner is aggrieved by the order dated 06.01.2025 passed by the learned IV Additional Civil Judge (Junior Division) cum IV Additional Judicial Magistrate of I Class, Tirupati, in Crl.M.P.No.2818 of 2024 in C.C.No.46 of 2024, whereby the petition filed by the petitioner seeking to return of his passport was dismissed.

2. The petitioner is arrayed as accused No.1 in C.C.No.46 of 2024, which was registered against him for the alleged offences under Sections 498-A and 506 of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961. During the course of investigation, the police have seized the petitioner's passport bearing No.L8761866, which is due for renewal on 07.05.2024. The petitioner filed a petition *vide* Crl.M.P.No.2818 of 2024 under Section 451 of Cr.P.C., seeking interim custody of the passport.

3. Learned Senior Counsel appearing for the petitioner submits that the learned Magistrate dismissed the petition on the ground that the petitioner is at flight risk.

4. Heard learned Assistant Public Prosecutor for the respondent-State.

5. Considering the facts and circumstances of the case, this Court deems it appropriate to set aside the order dated 06.01.2025 passed by the learned IV Additional Civil Judge (Junior Division) cum IV Additional Judicial Magistrate of I Class, Tirupati, in Crl.M.P.No.2818 of 2024 in C.C.No.46 of 2024.

6. The passport bearing No.L8761866, which was seized during the course of investigation, shall be returned to the petitioner. The petitioner shall submit an undertaking to the learned Magistrate to the effect that the he shall seek permission of the Court in the event he intends to travel abroad. Upon submission of such an undertaking, the passport of the petitioner shall be released to him.

7. With the above directions, the present Criminal Petition is allowed.

Pending miscellaneous petitions, if any, shall stand closed.

Sd/- K KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Civil Judge (Junior Division)-cum- IV Additional Judicial Magistrate of 1st class, Tirupati, Chittoor District
2. The Station House Officer, Disha Police Station, Tirupati Tirupati District.
3. One CC to Smt V Sesha Kumari, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh at Amaravathi [OUT]
5. **Three CD Copies**

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HIGH COURT

DATED:05/03/2025

ORDER

CRLP.No.1522 of 2025



ALLOWING THE CRIMINAL PETITION